

Remarks

This response is being submitted within a shortened statutory period of one month to respond to the office action dated May 28, 2004. Therefore, no petition and fee for an extension of time are filed with the response. This response is further submitted pursuant to a telephonic interview with the Examiner on June 21, 2004.

Hereinafter, the claims that are pending prior to the entry of the amendments in this response are called "currently pending claims." This response amends currently pending Claims 75 and 82. No claims are canceled; and no new claims are added with this response. Upon amendment, the above-identified U.S. patent application will have one independent claim (currently pending Claim 59) and 32 total claims (currently pending Claims 59-74, 76-81, and 83-90 and currently amended Claims 75 and 82). The Applicant previously paid up to three independent claims and up to 62 total Claims. Therefore, no fee is due for excess Claims.

While the Applicant traverses the outstanding restriction requirement, the Applicant nevertheless provisionally elects Invention V (Claims 59-63, 68-73, and 78-90) for prosecution on the merits.

If Claims 59-63, 68-73, and 78-90 are ultimately found to be allowable, then the Examiner should consider on the merits Claims 64-67 and 74-77 because these claims are each directly or indirectly dependent on an allowable elected base claim (Claim 59).

The Applicant submits that Claims 60-63 and 68-73 are directly or indirectly dependent on elected base Claim 59 and are readable

upon Invention V because these dependent claims recite elements that are readable on a regulation element of protein basic globulin 7S. The Applicant further submits that Claims 78-90 are dependent directly or indirectly on elected base Claim 59 and are readable on protein basic globulin 7S (Invention V).

Under 35 U.S.C. § 121, the United States Patent and Trademark Office is authorized, but is not required to restrict an application to one invention if two or more independent and distinct inventions are claimed in one application. In view of the expenses that would be imposed upon the Applicant by multiple patent applications and multiple patents, it is believed that restriction requirements should be issued only when absolutely necessary; and the Applicant respectfully requests withdrawal of the outstanding restriction requirement.

The traversal of the restriction requirement and the remarks regarding the traversal are being submitted without prejudice. Neither the traversal of the restriction requirement nor the remarks regarding the traversal shall be interpreted as disputing the Examiner's suggestion that Inventions I, II, III, IV, V, and VI are patentably distinct.

It is submitted that the application is in condition for allowance. Allowance of the application at an early date is solicited.

This Response amends currently pending Claims 75 and 82. The amendments that are described in the preceding sentence were done to improve the wording of the claims and were not done to overcome the prior art, were not done to overcome rejections under 35 U.S.C. § 112, and were not done to overcome any other rejections or objections. The amendments that are described in the first sentence of this paragraph shall not be considered necessary to

overcome the prior art, shall not be considered necessary to overcome rejections under 35 U.S.C. § 112, and shall not be considered necessary to overcome any other rejections or objections.

The Commissioner is authorized to charge any additional fees which may be required or credit overpayment to deposit account no. 12-0415. In particular, if this response is not timely filed, then the Commissioner is authorized to treat this response as including a petition to extend the time period pursuant to 37 CFR 1.136 (a) requesting an extension of time of the number of months necessary to make this response timely filed and the petition fee due in connection therewith may be charged to deposit account no. 12-0415.

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first-class mail in an envelope addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450

June 28, 2004
(Date of Deposit)

JOHN PALMER
(Name of Applicant, Assignee
or Registered Representative)

(Signature)

(Date)

Respectfully submitted,

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